

# Changes to Michigan's Water Use Reporting Law

On February 28, 2006, Governor Granholm signed a five-bill package of water use legislation passed overwhelmingly by both the Michigan Senate and House. This summary explains the main changes to Michigan's water use laws, and how those changes affect Michigan's water users.

## Registration

The criteria for who must register and report their water use has not changed. All large quantity withdrawals, defined as having the **capacity** to withdraw more than 100,000 gallons of water per day average over any 30-day period, equivalent to 70 gallons per minute pumping, must be registered and report water use annually. All withdrawals supplying a common distribution system must be combined when calculating the total amount of a withdrawal, whether or not the withdrawals are from separate sources or serve separate purposes. All large quantity withdrawals must be registered prior to beginning the water withdrawal, including existing registrants who develop increased capacity of an additional 100,000 gallons per day or more. Withdrawals made for agricultural purposes must report to the Department of Agriculture, all others report to the Department of Environmental Quality.

## Reporting

The most important change to the reporting process is the incorporation of the **Baseline Capacity** component. Baseline Capacity is defined as the total system capacity available to make a withdrawal as it existed on **February 28, 2006**. Total system capacity is the sum of the rated capacities of all pumps withdrawing water. For a quarry or mine that holds a Part 31 authorization to discharge water, the discharge volume stated in that permit on February 28, 2006 is the Baseline Capacity. The intent of the Baseline Capacity component is to separate withdrawals already in existence at the time the new laws went into effect from any new or increased withdrawals after the laws went into effect. New or increased large quantity withdrawals developed after February 28, 2006 will have to meet new "no adverse resource impact" and permitting standards (addressed below).

Facilities that withdraw less than **1,500,000** gallons of water per year are **no longer** required to report their water use, nor the amount of consumptive water use. Filing the annual reports, including all other requested information on the form, is still required.

## Fee

The February 28, 2006 amendments temporarily increase the Water Use Reporting Fee to **\$200**. The fee increase is in effect until a water withdrawal assessment tool, which will facilitate water resources management decision making, is adopted by the legislature. The Groundwater Conservation Advisory Council shall complete the assessment tool by July 1, 2007. The fee will roll back to **\$100** upon subsequent legislative enactment of the assessment tool.

Facilities that withdraw less than **1,500,000** gallons of water per year are **no longer** required to pay the fee.

## Adverse Resource Impact Standard

In a ground-breaking move in Michigan's water law history, a new standard was adopted that no withdrawal shall cause an adverse resource impact to the waters of the state. This standard only applies to new or increased large quantity withdrawals after February 28, 2006. An adverse resource impact is defined as decreasing the level or flow of a water body such that its ability to support characteristic fish populations is functionally impaired. Until February 28, 2008, the standard only applies to new withdrawals affecting designated trout streams; after that date the standard applies to all waters of the state.

## Permits

Permit authorization from the DEQ is now required for new or increased withdrawals greater than 2,000,000 gallons per day; or greater than 5,000,000 gallons per day for withdrawals directly from the Great Lakes or their connecting waterways. Permits are granted on the basis of the no adverse resource impact standard.

If you have any questions regarding these changes or anything else related to the Water Use Program, contact Andrew LeBaron at (517)241-1435 or [lebarona@michigan.gov](mailto:lebarona@michigan.gov), Ronda Page at (517)241-1380 or [pagerc@michigan.gov](mailto:pagerc@michigan.gov), or on the internet at <http://www.michigan.gov/deqwateruse>.